

APPEALS
**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

2006 FEB -6 P 3:28

FILED IN CLERKS OFFICE
US COURT OF APPEALS
FOR THE FIRST CIRCUIT

Joseph B. Bey Jr.,
Petitioner – Appellant,

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v.

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United States Department of Justice,
Respondent,

Civil No. **05-11757-REK**
Appeal No. _____

**AFFIDAVIT OF JOSEPH Bey, Jr. IN SUPPORT OF NOTICE OF APPEAL AND
REQUEST TO PROCEED IN FORMA PAUPERIS**

I Joseph Bey, Jr., to be referred herein after as “Affiant” do hereby affirm and attest that the following is true accurate and correct to the best of my memory knowledge and understanding:

- 1) I am a federal prisoner currently incarcerated in the Federal Bureau of Prisons Facility (“FBOP”) located at the Federal Medical Center (“F.M.C.”) Devens in Ayer, Massachusetts.
- 2) The Affiant has been declared indigent by the district court, and appointed counsel under the Criminal Justice Act to represent him in the trial of a criminal action prosecuted against him, as well as in the prosecution of his direct appeal.
- 3) That the Affiant prosecuted an action under the provisions of 28 U.S.C. § 2241 to challenge adverse effects of events prosecuted by his prison custodian, that severely effects the manner in which the affiant’s sentence is being carried out.
- 4) That the district court denied the request for the issuance of a writ of habeas corpus in regards to the § 2241 in a memorandum and order dated and filed on or about January 25, 2006.
- 5) That the Affiant proposes to prosecute an appeal of the district court’s decision in the First Circuit Court of appeals, as constitutional issues concerning liberty

interest, fair notice, and due process under the Sixth Amendment guarantees are involved.

- 6) That the Affiant is still indigent, and does not have the financial resources to pay the costs of filing the appeal. The affiant's family does not have and should not incur the expense of paying for the fees and costs that would be necessary to file said appeal, as it would create a hardship.
- 7) Based upon the above-mentioned facts it is respectfully prayed that this affidavit in support of the affiant's request to proceed upon appeal in forma pauperis be accepted and that leave be granted in the interest of justice.

I do hereby affirm and attest that the above comments and information is true and correct to the best of my memory, knowledge, and understanding. Sworn and signed pursuant to 28 U.S.C. § 1746.

Respectfully presented,



Joseph B. Bey, Jr., Pro se.
Reg. No. 21146-038
F.M.C. Devens, Box 879
Ayer, MA. 01432